

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

JUSTUS IRELAND,  Petitioner,          vs.    UNITED STATES OF AMERICA,   Respondent.	MEMORANDUM DECISION AND ORDER GRANTING PETITIONER'S MOTION TO VOLUNTARILY WITHDRAW AND DISMISS CASE WITHOUT PREJUDICE     Civil Case No. 2:05-CV-827 TS Criminal Case No. 2:04-CR-658 TS
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This matter is before the Court on Petitioner Justus Ireland's Motion to Voluntarily Withdraw and Dismiss § 2255 Without Prejudice, filed December 5, 2005. Petitioner, proceeding *pro se*, argues that the grounds of relief currently set forth by him in his § 2255 Motion are "improperly and insufficiently presented in his currently submitted and filed § 2255 motion, and that said motion omits other valid grounds which petitioner believes to be pertinent and of a substantive nature for address."<sup>1</sup> Petitioner states that he has "recently discovered several issues and factual findings" which need to be appropriately addressed, and wishes to have

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<sup>1</sup> Motion at 1.

the opportunity to re-file his Motion, if applicable, once those issues are clarified. The Court will grant the Motion, but cautions Petitioner to be mindful of the one-year statute of limitations set forth in § 2255.


Based upon the above, it is hereby

ORDERED that Petitioner's Petition to Voluntarily Withdraw and Dismiss § 2255 Without Prejudice [Docket No. 5] is GRANTED. It is further

ORDERED that this case is DISMISSED, without prejudice. The Clerk of Court is directed to close this case forthwith.

DATED this 7th day of December, 2005.

BY THE COURT:



TED STEWART  
United States District Judge